

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1514

Introduced by Assembly Member Hayashi

February 27, 2009

~~An act to amend Section 3012 of the Elections Code, relating to elections.~~ *An act to amend Sections 84218 and 85309 of the Government Code, relating to the Political Reform Act of 1974.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1514, as amended, Hayashi. ~~Elections: vote by mail.~~ *Political Reform Act of 1974: reporting.*

(1) *The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing, including requiring the filing of reports of contributions and expenditures. Among its provisions, the act requires a slate mailer organization, as defined, to file semiannual campaign statements for each 6-month period in which it has received or expended \$500 or more for the production of a slate mailer.*

This bill would require a slate mailer organization to file semiannual campaign statements for every 6-month period, irrespective of whether the organization received payments or made expenditures for that period.

(2) *The act requires candidates for elective office and committees primarily formed to support or oppose a state ballot measure to file online or electronically with the Secretary of State a report disclosing receipt of a contribution of \$1,000 or more received during an election cycle, as defined, or receipt of a contribution of \$5,000 or more received at any time other than during an election cycle.*

This bill would eliminate those reporting requirements for candidates and ballot-measure committees and would instead impose those reporting requirements on committees in general that receive contributions and on slate mailer organizations that receive payments.

(3) Existing law makes a willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating additional crimes.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a ²/₃ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

~~Existing law provides that when the address to which a vote by mail ballot is to be sent is outside the territorial limits of the United States, the elections official is required to mail the ballot to the elector by airmail and, if under any law of the United States official election ballots are authorized to be mailed without the payment of postage, the elections official is required to mail the ballots in that way.~~

~~This bill would make a nonsubstantive change to those provisions.~~

~~Vote: majority ²/₃. Appropriation: no. Fiscal committee: no-yes. State-mandated local program: no-yes.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 84218 of the Government Code is
- 2 amended to read:
- 3 84218. (a) A slate mailer organization shall file semiannual
- 4 campaign statements for each period in which it has received
- 5 payments totaling five hundred dollars (\$500) or more from any
- 6 person for the support of or opposition to candidates or ballot
- 7 measures in a slate mailer, or in which it has expended five hundred
- 8 dollars (\$500) or more to produce one or more slate mailers. The
- 9 semiannual statements shall be filed no later than July 31 for the

1 period ending June 30, and no later than January 31, for the period
2 ending December 31.

3 (b) In addition to the semiannual statements required by
4 subdivision (a), slate mailer organizations shall file preelection
5 statements as follows:

6 (1) Any slate mailer organization which produces a slate mailer
7 supporting or opposing candidates or measures being voted on in
8 an election held upon the first Tuesday after the first Monday in
9 June or November of an even-numbered year shall file the
10 statements specified in Section 84200.7 if, during the period
11 covered by the preelection statement, the slate mailer organization
12 receives payments totaling five hundred dollars (\$500) or more
13 from any person for the support of or opposition to candidates or
14 ballot measures in one or more slate mailers, or expends five
15 hundred dollars (\$500) or more to produce one or more slate
16 mailers.

17 (2) Any slate mailer organization which produces a slate mailer
18 supporting or opposing candidates or measures being voted on in
19 an election held on a date other than the first Tuesday after the
20 first Monday in June or November of an even-numbered year shall
21 file the statements specified in Section 84200.8 if, during the period
22 covered by the preelection statement, the slate mailer organization
23 receives payments totaling five hundred dollars (\$500) or more
24 from any person for the support of or opposition to candidates or
25 ballot measures in one or more slate mailers, or expends five
26 hundred dollars (\$500) or more to produce one or more slate
27 mailers.

28 (c) A slate mailer organization shall file two copies of its
29 campaign reports with the clerk of the county in which it is
30 domiciled. A slate mailer organization is domiciled at the address
31 listed on its statement of organization unless it is domiciled outside
32 California, in which case its domicile shall be deemed to be Los
33 Angeles County for purposes of this section.

34 In addition, slate mailer organizations shall file campaign reports
35 as follows:

36 (1) A slate mailer organization which produces one or more
37 slate mailers supporting or opposing candidates or measures voted
38 on in a state election, or in more than one county, shall file
39 campaign reports in the same manner as state general purpose
40 committees pursuant to subdivision (a) of Section 84215.

(2) A slate mailer organization which produces one or more slate mailers supporting or opposing candidates or measures voted on in only one county, or in more than one jurisdiction within one county, shall file campaign reports in the same manner as county general purpose committees pursuant to subdivision (d) of Section 84215.

(3) A slate mailer organization which produces one or more slate mailers supporting or opposing candidates or measures voted on in only one city shall file campaign reports in the same manner as city general purpose committees pursuant to subdivision (e) of Section 84215.

(4) Notwithstanding the above, no slate mailer organization shall be required to file more than the original and one copy, or two copies, of a campaign report with any one county or city clerk or with the Secretary of State.

SEC. 2. Section 85309 of the Government Code is amended to read:

85309. (a) In addition to any other report required by this title, ~~a candidate for elective state office who~~ *committee, as defined in subdivision (a) of Section 82013, or a slate mailer organization that is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution or, in the case of a slate mailer organization, a payment of one thousand dollars (\$1,000) or more received during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 or, in the case of a slate mailer organization, Section 84220 and shall be filed within 24 hours of receipt of the contribution or payment.*

~~(b) In addition to any other report required by this title, any committee primarily formed to support or oppose one or more state ballot measures that is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution of one thousand dollars (\$1,000) or more received during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 24 hours of receipt of the contribution.~~

(e)

(b) In addition to any other report required by this title, a ~~candidate for elective state office who~~ *committee, as defined in*

subdivision (a) of Section 82013, or a slate mailer organization that is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution or, in the case of a slate mailer organization, a payment of five thousand dollars (\$5,000) or more received at any time other than during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 or, in the case of a slate mailer organization, Section 84220 and shall be filed within 10 business days of receipt of the contribution or payment.

~~(d) In addition to any other report required by this title, a committee primarily formed to support or oppose a state ballot measure that is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution of five thousand dollars (\$5,000) or more received at any time other than during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 10 business days of receipt of the contribution.~~

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 4. The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

~~SECTION 1. Section 3012 of the Elections Code is amended to read:~~

~~3012. Whenever the elections official is required to mail a vote by mail voter's ballot to any elector and the address to which the ballot is to be mailed is a point outside the territorial limits of the United States, the elections official shall mail the vote by mail voter's ballot to the elector by airmail and, if under any law of the United States official election ballots may be mailed without the payment of postage, the elections official shall so mail the ballots.~~

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2	CORRECTIONS:	
3	Text—Page 4.	
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